

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In Re TERRORIST ATTACKS on)	03 MDL 1570 (RCC)
SEPTEMBER 11, 2001)	ECF Case
)	

This document relates to:

Estate of O'Neill, et al. v. Republic of Iraq, et al., 04-CV-1076 (RCC)

Declaration of Gina MacNeill, Esquire Relating to Taha Al Alwani

GINA M. MAC NEILL, on this 18th day of November, 2005, hereby declares pursuant to 28 United States Code Sec. 1746, and under penalties of perjury, that the foregoing is true and correct:

1. I am an attorney at law, licensed to practice law in the Commonwealth of Pennsylvania, the State of New Jersey, and admitted to practice in the United States District Court for the Southern District of New York.
2. I, along with Jerry S. Goldman, Esquire and others, am attorney of record in the instant matter.
3. On October 14, 2004, a letter was sent to Nancy Luque, Esquire, of Gray Carey, attorney of record for Taha Al Alwani a/k/a Dr. Taha Jabir Al Alwani ("Taha Al Alwani") in the multi-district litigation 03 MDL 1570 (RCC), requesting that defense counsel accept service on behalf of their client.
4. On October 25, 2004, a letter from Jay D. Hanson, Esquire, from Gray Cary, was received by our office in which Mr. Hanson declared that "[w]e are quite certain that the Taha Al Alwani you seek to serve in your case against Iraq is not our client, but rather an Iraqi living and associated with Iraqi governmental affairs,

quite possibly the Mayor of Fallujah, who has his name.” See Exhibit A.

5. On February 2, 2005, I sent out a service package to Mr. Taha Al Alwani, at 1105 Safa Street, Herndon, VA 20170, via Federal Express, tracking #8507 5919 9999, requesting a waiver of service of summons and which included:
 - a. One (1) Notice of Lawsuit and Request for Waiver of Service of Summons (“Notice”);
 - b. Two (2) copies of a Waiver of Service of Summons (“Waiver”);
 - c. Two (2) copies of the Original Complaint;
 - d. Two (2) Copies of the First Amended Complaint;
 - e. Two (2) Copies of the Second Amended Complaint; and
 - f. A Federal Express Return Envelope. See Exhibit B.
6. The package was received on February 7, 2005, according to Federal Express records. See Exhibit C.
7. We did not receive a response from Mr. Taha Al Alwani, or his counsel who was named as attorney of record in the multi-district litigation, 03 MDL 1570(RCC).
8. On July 29, 2005, at 9:25 a.m., personal service was effectuated upon Taha Al Alwani, by Mr. Scott Chapman. A copy of the affidavit of service is hereto attached as Exhibit D.



GINA M. MAC NEILL, ESQUIRE
2 Penn Center Plaza
1500 JFK Blvd, Ste. 1411
Philadelphia, PA 19102
215.569.4500

GRAYCARY

4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133
www.graycary.com
OJ 858-638-6769
FJ 858-677-1401

October 25, 2004

OUR FILE NO. 2103638-6

VIA U.S. MAIL AND FAX/SIMILE (212-346-4665)

Jerry S. Goldman, Esq.
Jerry S. Goldman & Associates, P.C.
111 Broadway, 13th Floor
New York, NY 10006

Re: In re: Terrorist Attacks on September 11, 2001
MDL No. 1570
O'Neill, et al. v. Republic of Iraq, et al.
04-cv-1076 (RCC)

Dear Mr. Goldman:

This is to follow up my telephone call and email to you today, in response to your letter to my partner Nancy Luque of October 14. We are quite certain that the Taha Al Alwani you seek to serve in your case against Iraq is not our client, but rather an Iraqi living in Iraq and associated with Iraqi governmental affairs, quite possibly the Mayor of Fallujah, who has this name. Please contact me to straighten out this mis-identification issue. My direct telephone is (858) 638-6769.

Very truly yours,

Gray Cary Ware & Freidenrich LLP



Jay D. Hanson
jhanson@graycary.com

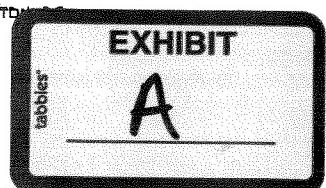
Admitted to practice in California

JDH:gw

cc: Nancy Luque
Cris Beal

Gray Cary\SD\1615462.1
2103638-6

AUSTIN LA JOLLA SACRAMENTO SAN DIEGO SAN FRANCISCO SEATTLE SILICON VALLEY WASHINGTON DC



**LAW OFFICES OF
JERRY S. GOLDMAN & ASSOCIATES, P.C.**

A NEW YORK PROFESSIONAL CORPORATION DULY QUALIFIED TO TRANSACT BUSINESS WITHIN THE COMMONWEALTH OF PENNSYLVANIA

GINA M. MAC NEILL
DIRECT DIAL: 215.569.4500 ext. 25
gmacneill@goldmanlawyers.com
Admitted to: PA & NJ

1100 PENN CENTER PLAZA • SUITE 1411
1500 JFK BOULEVARD
PHILADELPHIA, PA 19102
TEL: 215.569.4500 • FAX: 215.569.8899

111 BROADWAY • 13TH FLOOR
NEW YORK, NY 10006
TEL: 212.242.2232 • FAX: 212.346.4665

3109 STIRLING ROAD • SUITE 101
FORT LAUDERDALE, FL 33312
TEL: 954.981.6533 • FAX: 954.989.8068

Reply To: PHILADELPHIA

February 1, 2005

Via Federal Express

Taha al'Alwani a/k/a Dr. Taha Jaber al'Alwani
1105 Safa Street
Herndon, VA 20170-2326

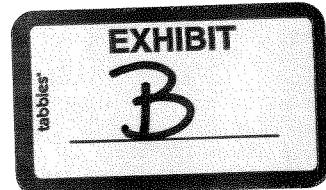
Re: *In re Terrorist Attacks of September 11, 2001*
03 MDL 1570 (RCC)
Estate of John P. O'Neill, et al. v. Republic of Iraq, et al.
04-CV-1076 (RCC)

Dear Mr. al'Alwani:

Enclosed please find the following documents relating to the above-referenced case:

1. One (1) Notice of Lawsuit and Request for Waiver of Service of Summons (“Notice”);
2. Two (2) copies of a Waiver of Service of Summons (“Waiver”);
3. Two (2) copies of the Original Complaint;
4. Two (2) Copies of the First Amended Complaint;
5. Two (2) Copies of the Second Amended Complaint; and
6. A Federal Express Return Envelope.

Please be sure to review all enclosed materials carefully, as they relate to a legal matter, as explained in the enclosed Notice and Waiver.



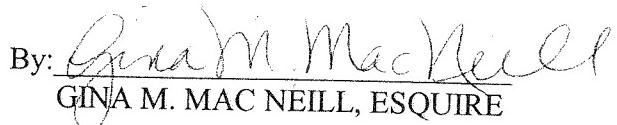
February 1, 2005

Page 2

If you have any questions or comments, please feel free to contact me.

Very truly yours,

LAW OFFICES OF JERRY S. GOLDMAN &
ASSOCIATES, P.C.

By: 
GINA M. MAC NEILL, ESQUIRE

GMM:jf

Enc. a/s

cc: Jerry S. Goldman, Esquire

FedEx® USAirbill	
1 From <small>Please print and press hard</small>	FedEx Tracking Number 8507 5919 9999
Date 2 / 2 / 05	Sender's FedEx Account Number 2529-5006-0
Sender's Name Jerry S. Goldman, Esq.	Company GOLDMAN, JERRY S., LAW OFFICES
Address 1500 JFK BLVD STE 1411	City PHILADELPHIA
State PA	ZIP 19102-1747
Dep/From/State/Room Dep/From/State/Room	
2 Your Internal Billing Reference <small>First 4 digits from zip or phone number.</small>	O'Neill
3 To Recipient's Name Taha al'Alwani a/k/a Dr. Taha Jaber Al'Alwani	Phone ()
Company Dr. Taha Jaber Al'Alwani	Address 1105 Safa Street
We cannot deliver to P.O. boxes or P.O. R.F.C. codes. Dep/From/State/Room	

4a Express Package Service	Packages up to 150 lbs.
<input type="checkbox"/> FedEx Priority Overnight	<input checked="" type="checkbox"/> FedEx Standard Overnight
<input type="checkbox"/> FedEx 20AV	<input type="checkbox"/> FedEx Express Saver
<small>Second business day*</small>	<small>Next business afternoon*</small>
<small>FedEx Employee rate not available. Minimum charge three pounds.</small>	<small>FedEx First Overnight</small>
4b Express Freight Service	
<input type="checkbox"/> FedEx Day Freight	<input type="checkbox"/> FedEx 30AV Freight
<small>Non-business day*</small>	<small>Two business days*</small>
5 Packaging	
<input type="checkbox"/> FedEx Envelope*	<input checked="" type="checkbox"/> FedEx Pak*
<small>Includes FedEx Small Pak, FedEx Large Pak, and FedEx Shrink Pak</small>	<small>Box</small>
<input type="checkbox"/> FedEx Large Pak	<input type="checkbox"/> FedEx Tube
<input type="checkbox"/> FedEx Shrink Pak	<input type="checkbox"/> Other
6 Special Handling	
<input type="checkbox"/> SATURDAY Delivery	<input type="checkbox"/> HOLD Weekday
<small>Available ONLY for FedEx Priority Overnight, FedEx Freight, and FedEx 20AV. FedEx to select ZIP Codes.</small>	<small>Includes FedEx address in Section 3. at FedEx Location</small>
<input type="checkbox"/> FedEx First Overnight	<input type="checkbox"/> HOLD Saturday
<small>Does this shipment contain dangerous goods?</small>	<small>Available ONLY for FedEx Priority Overnight and FedEx 20AV to select locations.</small>
<input type="checkbox"/> No	<input type="checkbox"/> Yes
<small>Our box must be checked.</small>	<small>As per attach. Shipper's Declaration</small>
<small>Dangerous goods (including Dry Ice) cannot be shipped in FedEx packaging.</small>	<input type="checkbox"/> Dry Ice
<small>Dangerous goods (including Dry Ice) cannot be shipped in FedEx packaging.</small>	<input type="checkbox"/> Cargo Aircraft Only
7 Payment Bill to:	
<input checked="" type="checkbox"/> Sender	<input type="checkbox"/> Recipient
<small>Acct. No. in Section 1 will be filled.</small>	<input type="checkbox"/> Third Party
<small>FedEx Acct. No.</small>	<input type="checkbox"/> Credit Card
<small>FedEx Acct. No.</small>	<input type="checkbox"/> Cash/Check
Total Packages	Total Weight
\$.00
8 Sign to Authorize Delivery Without a Signature	FedEx Use Only

PULL AND RETAIN THIS COPY BEFORE AFFIXING TO THE PACKAGE.
 By using this Airbill, you agree to the service conditions on the back of this Airbill
 and in our current Service Guide, including terms that limit our liability.

Questions? Visit our Web site at fedex.com
 Or call 1-800-Gofedex, 800-463-3339.

**By using this Airbill, you agree to the service conditions on the back of this Airbill
 and agree to indemnify and hold us harmless from any existing claims.**

466

[United States Home](#)[Information Center](#) | [Customer Support](#) |[Package / Envelope Services](#) [Office / Print Services](#) [Freight Services](#) [Expedited Services](#)[Ship](#)[Track](#)[Manage My Account](#)[International Tools](#)**Track Shipments
Detailed Results**[Printable Version](#)[Quick Help](#)

Tracking number	850759199999	Reference	O'NEILL
Signed for by	Signature release on file	Delivered to	Residence
Ship date	Feb 2, 2005	Service type	Standard Pak
Delivery date	Feb 7, 2005 9:18 AM	Weight	5.0 lbs.

Status	Delivered
--------	-----------

You can also track:

- [By TCN](#)
- [FedEx Trade Networks shipments](#)
- [By Email Track](#)
- [By FedEx Wireless Solutions](#)

Date/Time	Activity	Location	Details	
Feb 7, 2005	9:18 AM	Delivered	Left at front door. No signature required - release waiver on file	Wrong Address? Reduce future mistakes by using FedEx Address Checker.
	7:37 AM	On FedEx vehicle for delivery	HERNDON, VA	Shipping Freight? FedEx has LTL, air freight, surface air expedited freight, multi piece packages, and ocean freight.
Feb 4, 2005	5:05 PM	At local FedEx facility	HERNDON, VA	
	12:07 PM	Delivery exception	HERNDON, VA	Customer not available or business closed
Feb 3, 2005	7:11 AM	On FedEx vehicle for delivery	HERNDON, VA	
	3:38 PM	At local FedEx facility	HERNDON, VA	
Feb 2, 2005	10:39 AM	Delivery exception	HERNDON, VA	Customer not available or business closed
	7:02 AM	On FedEx vehicle for delivery	HERNDON, VA	
	6:50 AM	At local FedEx facility	HERNDON, VA	
	5:17 AM	At dest sort facility	DULLES, VA	
	12:32 AM	Arrived at FedEx location	NEWARK, NJ	
	11:50 PM	Package data transmitted to FedEx		
	9:15 PM	Left origin	PHILADELPHIA, PA	
	6:33 PM	Picked up	PHILADELPHIA, PA	

[Signature proof](#)[Track more shipments](#)

Email your detailed tracking results (optional)

Enter your email, submit up to three email addresses (separated by commas), add your message (optional), and click **Send email**.From

Add a message to this email.

To 

Estate of John P. O'Neill et al
Plaintiff(s)

Case Number: 04cv1076(RCC)

vs

The Republic of Iraq et al
Defendant(s)

AFFIDAVIT OF SERVICE

I, Scott Chapman, hereby certify that on July 29, 2005 at 9:26 AM, I executed service of process upon TAHA AL ALWANI AKA DR. TAHA JABIT AL'ALWANI at 1105 Safa Street, Herndon, VA 20170 by delivering to and leaving with personally, copies of Summons and Complaint.

Taha Al Alwani aka Dr. Taha Jabit Al'Alwani is described as a Middle Eastern Male, approximately 5' 7" tall, 200-225 pounds, Brown eyes, Grey, balding hair, and 54 years of age. The undersigned further certifies that my place of business is: 331 8th Street, NE, Washington, DC 20002; that I am 24 years of age, Date of Birth 3/11/1981; and that I am not a party to this action.

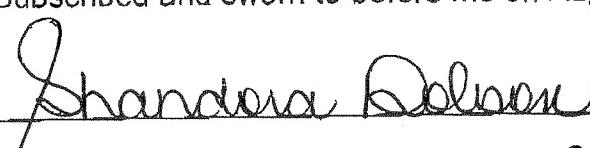
I declare under the penalty of perjury under the laws of the United States of America that the foregoing information is true and correct. Executed on August 4, 2005.

Date August 4, 2005.



Scott Chapman

WASHINGTON, THE DISTRICT OF COLUMBIA
Subscribed and sworn to before me on August 4, 2005.



My Commission Expires:

Shandora Dobson
Notary Public, District of Columbia
My Commission Expires 12-14-2008

Ref.# 63285

